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Steven Z. Legion
Of Counsel

February 4, 2020

BY E.C.F.

Honorable J. Paul Oetken
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Jesus Miguel Matos*, Docket. No. 18 Cr. 327 (JPO)

Dear Judge Oetken:

Defense counsel respectfully submits this letter motion requesting that the sentencing of the defendant, Jesus Miguel Matos, which is presently scheduled for Thursday, February 13, 2020, be adjourned for sixty days.

This application is being submitted as a result of defense counsel's recent trial schedule. On January 16, 2020, counsel completed trial in the E.D.N.Y. matter of *United States v. Donville Inniss*, 18 Cr. 134 (KAM), a complex international money laundering prosecution of the former Minister of Industry, Commerce and International Business of Barbados, and must file a Rule 29 motion by February 20, 2019. Additionally, since the verdict, I have been required to devote significant attention to a most urgent matter in *United States v. Nicholas Tartaglione*, Docket No. 16 Cr. 832 (KMK), a death-authorized case in the Southern District of New York, in which I serve as Learned Counsel. Moreover, I am presently preparing for trial in the E.D.N.Y. matter of *United States v. Carlos Richard Martinez*, Docket No. 17 Cr. 281 (ERK), which was just recently scheduled for trial, with jury selection to commence on Monday, February 10, 2020.

During the month of February 2020, I also have several longstanding professional commitments, including the following:

1. On Friday, February 14, 2020, I am scheduled to travel San Diego to participate as a presenter in two sessions at the 2020 Capital Case Defense Seminar hosted by the California Attorneys for Criminal Justice and the California Public Defenders' Association. Although hosted by California Attorneys for Criminal Justice and the California Public Defenders' Association, the Capital Case Defense Seminar is the largest in our country and has been held for the past 40 years. The program draws approximately 1,200 participants, and features presentations by many of our nation's leading death penalty attorneys. Several death penalty attorneys from our district - - Richard Jasper, David Ruhnke and myself - - are Resource Counsel with the Federal Death Penalty Resource Project, and are involved in the

defender services national death penalty training community.¹ This outstanding program is held this year from February 14, 2020 to February 17, 2020. I am scheduled to give presentations on Saturday, February 15, 2020 and Sunday, February 16, 2020. The program has been planned since August 9, 2019. The Capital Case Defense Seminar is an important training event, which has taken on critical significance given the high number of cases authorized for the death penalty under the present administration. I have a strong professional responsibility to be present and participate in the training of capital lawyers on pending authorized death penalty cases.

2. In addition to my professional responsibilities in my own cases, and my role in relation to the Federal Death Penalty Resource Counsel Project, for the past 16 years, I have also served as the CJA Panel Representative for the Eastern District of New York, with the Defender Services Office, located within the Administrative Office of the U.S. Courts, in Washington, DC. Each Judicial District of the United States Courts has a CJA District Panel Representative, whose responsibility it is to serve as a liaison between the Defender Services Office, which is responsible for the funding and policy decisions for the national federal defenders services program, and the needs of their respective district.

In my role as the CJA Panel Representative, one of my primary goals is to attend the annual conference to either contribute to the national policy or obtain information for use and application within the Southern and Eastern Districts of New York. During my tenure as the CJA Representative, I have had the opportunity to contribute to the development of programs that have improved the quality of representation of provided under the Criminal Justice Act, and have, along with others, like attorney Bobbi Sternheim, developed innovative programs, which have provided professional opportunities for young attorneys involved federal criminal defense work. Sadly, I am one of less than one percent of the CJA Panel Representatives who are African American. As a result, my presence takes on even greater importance to ensure that fellow CJA Panelists have the important perspective on the need to develop opportunities for those who have been woefully excluded from participation in our federal defender services program.

Since my involvement, the Eastern and Southern Districts of New York have initiated unique programs to improve diversity on our CJA non-capital and capital panels. We now have mentoring programs for both our non-capital and capital panels. In fact, just this year, our first mentees from the Southern District Capital Mentoring Program was selected to serve on the Southern District Capital panel, and are both presently serving on important capital cases in the Eastern District of New York; and for Kenneth J. Montgomery, his appointment as Learned Counsel on a death eligible case in the district of Vermont. At this year's annual conference, to be held on February 27th & 28th, 2020, I have been selected to give a presentation on the success of our mentoring programs in the Southern and Eastern Districts of New York, and how we can transfer that success to other districts around our country.

¹ As a result of the training and skill set of capital defense attorneys in the Southern and Eastern Districts of New York, attorneys from our districts have been appointed to serve as Learned Counsel on capital cases around our country. Those attorneys include Avi Moskowitz, Mark DeMarco, Kenneth Montgomery, Kelly Sharkey, Bobbi Sternheim and others.

Defense counsel has discussed this application with the government, which has no objection

Thank you for your consideration of this application. If there are any questions, or if additional information is required, please contact me at your Honor's convenience.

Respectfully,

Anthony L. Ricco

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cc: A.U.S.A. Nicolas Roos (By E.C.F.)
A.U.S.A. Juliana Murray (By E.C.F.)
U.S.P.O. Jill Jefferies (By Email)

Granted.

Sentencing is hereby adjourned to April 28, 2020 at 10:30 am.

So ordered.

February 4, 2020



J. PAUL OETKEN
United States District Judge